

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ (Complaint or Indictment)

for the
District of Nevada

Case No.

Charging District's Case No.

W.D. of Texas

I have been informed of the charges and of my rights to:

- I have been informed of the following rights:
- 1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
 - 2) an identity hearing to determine whether I am the person named in the charges;
 - 3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
 - 4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
 - 5) a hearing on any motion by the government for detention;
 - 6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.
- FILED
ENTERED
COUNSEL/PART

(I agree to waive my right(s) to:

- 7 ☒ an identity hearing and production of the warrant.
- 7 ☐ a preliminary hearing.
- 7 ☐ a detention hearing.
- 7 ☐ an identity hearing, production of the warrant, and
be snatched in this district. I request that those hear-
by that court.

consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

9. 20

8/14/17

Amiel B.

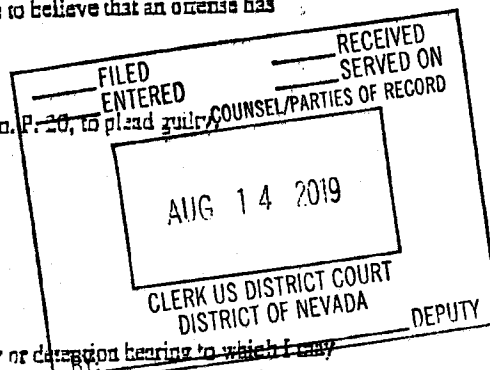
REFERENCES

Kathleen Rice

יצר וטאו 3 ותבנתחפ: 2199

Kathryn Newman

1.01 1000000 1000000 1000000



AO 94 (Rev. 01/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

District of NEVADA

United States of America

v.

FREDRICK BROWN

Defendant

Case No. 2:19-mj-00602-VCF

Charging District's

Case No. 19-cr-524

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Western District of Texas.

The defendant may need an interpreter for this language: n/a.

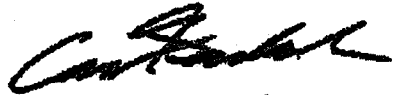
The defendant: ☐ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

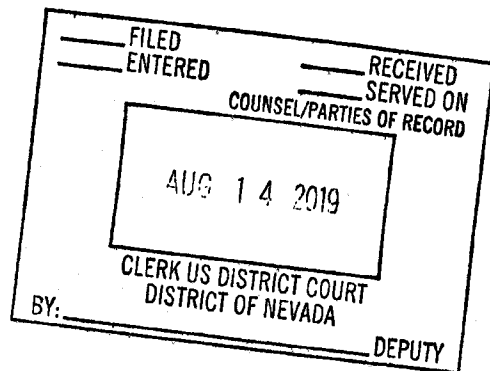
Date: August 14, 2019



Judge's signature

CAM FERENBACH, U.S. MAGISTRATE JUDGE

Printed name and title



CLOSED

**United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:19-mj-00602-VCF All Defendants
Internal Use Only**

SA-19 CR 524-OLG

Case title: USA v. Brown

Date Filed: 08/14/2019

Other court case number: SA-19-CR-524-(2)-OLG Western
District of Texas

Date Terminated: 08/26/2019

Assigned to: Magistrate Judge
Cam Ferenbach

Defendant (1)

Fredrick Brown

TERMINATED: 08/26/2019

represented by **Kathryn Newman**

Federal Public Defender

411 E. Bonneville, Ave., Ste. 250

Las Vegas, NV 89101

702-388-6577

Email: Kathryn_Newman@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: FPD

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Rule 5

Disposition

TRANSMITTED to the Western District of Texas
on 8/26/2019

Plaintiff

USA

represented by **Simon Fanzong Kung**

Office of the United States Attorney

US Attorney's Office

District of Nevada

501 Las Vegas Blvd. S, Ste. 1100

Las Vegas, NV 89101

702-388-6336

Fax: 702-388-6296

Email: simon.kung@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: USA

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 08/14/2019 | <u>1</u> | Rule 5(c)(3) Documents Received as to Fredrick Brown. Documents received from Western District of Texas include Indictment. (JM) (Main Document 1 replaced on 8/14/2019) (JM). (Entered: 08/14/2019) |
| 08/14/2019 | <u>2</u> | MINUTES OF PROCEEDINGS – Initial Appearance in Rule 5(c)(3) Proceeding as to Fredrick Brown held on 8/14/2019 before Magistrate Judge Cam Ferenbach. Crtrm Administrator: <i>J. Ries</i> ; AUSA: <i>Simon Kung</i> ; Def Counsel: <i>Kathryn Newman</i> ; Recording start and end times: 3:07 – 3:29; Courtroom: 3D; Defendant is present in custody with leg restraints. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in indictment and is held to answer in the Western District of Texas. Government seeks detention and the court hears arguments. ORDERED defendant is DETAINED. Defendant is remanded to custody. Rule 5 deadline set for 8/28/2019. Status Conference set for 8/28/2019 at 04:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach. (no image attached) (Copies have been distributed pursuant to the NEF – JAR) (Entered: 08/16/2019) |
| 08/14/2019 | <u>3</u> | *SEALED* SEALED FINANCIAL AFFIDAVIT by Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>4</u> | ORDER APPOINTING COUNSEL as to Fredrick Brown. FPD appointed as counsel for Defendant. Subpoenas issued upon request, with exception to out-of-state subpoenas which will require court approval. Signed by Magistrate Judge Cam Ferenbach on 8/14/19. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>5</u> | WAIVER of Rule 5(c)(3) Hearings filed by Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>6</u> | COMMITMENT TO ANOTHER DISTRICT as to Fredrick Brown. Defendant committed to District of Western District of Texas. Signed by Magistrate Judge Cam Ferenbach on 8/14/19. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>7</u> | NOTICE of Assertion of Right to Counsel, the Right to Remain Silent, and Request to Have Counsel Present During Questioning as to Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>8</u> | NOTICE of Assertion of Right to be Present in Court Unshackled and Preservation of Appellate Rights as to Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/22/2019 | <u>9</u> | ORDER OF DETENTION as to Fredrick Brown. Defendant shall be detained pending trial. Signed by Magistrate Judge Cam Ferenbach on 8/22/19. (Copies have been distributed pursuant to the NEF – MR) (Entered: 08/22/2019) |
| 08/26/2019 | <u>10</u> | TRANSMITTAL to the Western District of Texas regarding Rule 5c documents as to Frederick Brown. Transmittal Letter with Sealed Documents sent via e-mail. (JM) (Entered: 08/26/2019) |
| 08/26/2019 | | (Court only) **NON-PUBLIC** Terminated defendant Fredrick Brown and closed Rule 5(c)(3) case. (JM) (Entered: 08/26/2019) |

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADA
LLOYD D. GEORGE U.S. COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
(702) 464-5400

DEBRA K. KEMPI
DISTRICT COURT EXECUTIVE/CLERK

CYNTHIA K. JENSEN
CHIEF DEPUTY, LAS VEGAS

8/26/2019

U.S. District Court
Western District of Texas

RE: USA v. Fredrick Brown
Your Case No. SA-19-CR-524-(2)-OLG
Our Case No. 2:19-mj-00602

Dear clerk:

Please be advised that the above-referenced defendant was arrested in the District of Nevada (Las Vegas) on a warrant issued by the Western District of Texas and appeared before United States Magistrate Judge Cam Ferenbach on 8/14/2019.

☒ The Defendant has been detained and remanded to the custody of the United States Marshal for transport.

☐ The Defendant was released on a personal recognizance bond and ordered to appear in your court on _____.

All documents completed in this district may be accessed via PACER and our website at <https://ecf.nvd.uscourts.gov>.

Thank you.

DEBRA K. KEMPI, CLERK
By:

/s/ Justin Matott

Deputy Clerk

Date Received: _____

Received by: _____

CLOSED

**United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:19-mj-00602-VCF-1**

Case title: USA v. Brown

Date Filed: 08/14/2019

Other court case number: SA-19-CR-524-(2)-OLG Western
District of Texas

Date Terminated: 08/26/2019

Assigned to: Magistrate Judge Cam
Ferenbach

Defendant (1)**Fredrick Brown***TERMINATED: 08/26/2019*represented by **Kathryn Newman**

Federal Public Defender

411 E. Bonneville, Ave., Ste. 250

Las Vegas, NV 89101

702-388-6577

Email: Kathryn_Newman@fd.org

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: FPD***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Rule 5

DispositionTRANSMITTED to the Western
District of Texas on 8/26/2019

Plaintiff**USA**

represented by **Simon Fanzong Kung**
 Office of the United States Attorney
 US Attorney's Office
 District of Nevada
 501 Las Vegas Blvd. S, Ste.1100
 Las Vegas, NV 89101
 702-388-6336
 Fax: 702-388-6296
 Email: simon.kung@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: USA

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 08/14/2019 | <u>1</u> | Rule 5(c)(3) Documents Received as to Frederick Brown. Documents received from Western District of Texas include Indictment. (JM) (Main Document 1 replaced on 8/14/2019) (JM). (Entered: 08/14/2019) |
| 08/14/2019 | <u>2</u> | MINUTES OF PROCEEDINGS - Initial Appearance in Rule 5(c)(3) Proceeding as to Fredrick Brown held on 8/14/2019 before Magistrate Judge Cam Ferenbach. Ctrrm Administrator: <i>J. Ries</i> ; AUSA: <i>Simon Kung</i> ; Def Counsel: <i>Kathryn Newman</i> ; Recording start and end times: 3:07 - 3:29; Courtroom: 3D; Defendant is present in custody with leg restraints. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in indictment and is held to answer in the Western District of Texas. Government seeks detention and the court hears arguments. ORDERED defendant is DETAINED. Defendant is remanded to custody. Rule 5 deadline set for 8/28/2019. Status Conference set for 8/28/2019 at 04:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.(no image attached) (Copies have been distributed pursuant to the NEF - JAR) (Entered: 08/16/2019) |
| 08/14/2019 | <u>4</u> | ORDER APPOINTING COUNSEL as to Fredrick Brown. FPD appointed as counsel for Defendant. Subpoenas issued upon request, with exception to out-of-state subpoenas which will require court approval. Signed by Magistrate Judge Cam Ferenbach on 8/14/19. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>5</u> | WAIVER of Rule 5(c)(3) Hearings filed by Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>6</u> | COMMITMENT TO ANOTHER DISTRICT as to Fredrick Brown. Defendant committed to District of Western District of Texas. Signed by Magistrate Judge Cam Ferenbach on 8/14/19. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 08/16/2019) |
| | | |

| | | |
|------------|-----------|--|
| 08/14/2019 | <u>7</u> | NOTICE of Assertion of Right to Counsel, the Right to Remain Silent, and Request to Have Counsel Present During Questioning as to Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/14/2019 | <u>8</u> | NOTICE of Assertion of Right to be Present in Court Unshackled and Preservation of Appellate Rights as to Fredrick Brown. (JQC) (Entered: 08/16/2019) |
| 08/22/2019 | <u>9</u> | ORDER OF DETENTION as to Fredrick Brown. Defendant shall be detained pending trial. Signed by Magistrate Judge Cam Ferenbach on 8/22/19. (Copies have been distributed pursuant to the NEF - MR) (Entered: 08/22/2019) |
| 08/26/2019 | <u>10</u> | TRANSMITTAL to the Western District of Texas regarding Rule 5c documents as to Frederick Brown. Transmittal Letter with Sealed Documents sent via e-mail. (JM) (Entered: 08/26/2019) |

| | | | |
|-----------------------------|-------------------------|-------------------------|-------------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 08/26/2019 13:34:27 | | | |
| PACER Login: | libraryus4502:2653874:0 | Client Code: | |
| Description: | Docket Report | Search Criteria: | 2:19-mj-00602-VCF |
| Billable Pages: | 2 | Cost: | 0.20 |

| | |
|---|-----------|
| FILED | RECEIVED |
| ENTERED | SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| AUG 14 2019 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: | DEPUTY |

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDRICK BROWN,

Defendant.

CASE NO.: 2:19-mj-00602-VCF

ORDER APPOINTING COUNSEL

The individual named below, having testified under oath or having otherwise satisfied this Court that he: (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the individual is indigent, therefore,

IT IS ORDERED that the Federal Public Defender for the District of Nevada is hereby appointed to represent FREDRICK BROWN.

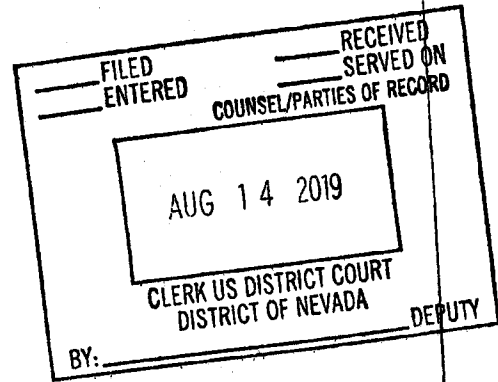
IT IS FURTHER ORDERED that the Clerk issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the Office of the Federal Public Defender, unless said subpoenas are to be served outside the State of Nevada. The cost of process, fees and expenses of witnesses so subpoenaed shall be paid as witness(es) and the United States Marshal shall provide such witness(es) subpoenaed advance funds for the purpose of travel within the District of Nevada and subsistence. Any subpoenas served on behalf of the individual, the return thereon to this Court shall be sealed, unless otherwise ordered.

DATED: August 14, 2019

Car. G. Baker

Federal Public Defender's Office appearance by: Kathryn Newman

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 00014
4 411 E. Bonneville Ave, #250
5 Las Vegas Nevada 89101
6 (702) 383-6577
7 *Kate Newman*
8 Counsel for Defendant



9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 vs.

15 *Fredence Brown,*
16 Defendant.

Case No.

2:19-mj-602

17 ASSERTION OF RIGHT TO COUNSEL, THE RIGHT TO REMAIN SILENT, AND
18 REQUEST TO HAVE COUNSEL PRESENT DURING QUESTIONING

19 COMES NOW, the Defendant, pursuant to the Supreme Court of the United States
20 opinion in *Montejo v. Louisiana*, after being advised by counsel, pursuant to the Fifth and Sixth
21 Amendments to the United States Constitution, hereby requests formal appointment of counsel and
22 further exercises the right to remain silent. The undersigned hereby formally serves notice to
23 government counsel and all relevant government agencies and departments that the undersigned is
24 also hereby exercising the right to have counsel present during any law enforcement or prosecutorial
25 initiated interrogation and does not consent to the initiation of any such questioning without the
26 presence of counsel.

27 DATED this *14th* day of *August*, *2019*

28 Witnessed by:
29 RENE L. VALLADARES
30 Federal Defender

31 *Fredence Brown*
32 Defendant

33 *Kate Newman*
34 Assistant Federal Public Defender

| | |
|---|-----------|
| FILED | RECEIVED |
| ENTERED | SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA | |
| AUG 14 2019 | |
| CLERK US DISTRICT COURT NO. 2:19-mj-602 DISTRICT OF NEVADA | |
| BY: | DEPUTY |

UNITED STATES OF AMERICA
vs.
Frederick Brown
DEFENDANT

**ASSERTION OF RIGHT TO BE PRESENT IN COURT UNSHACKLED
AND PRESERVATION OF APPELLATE RIGHTS**

I assert my Fifth and Sixth Amendment Rights to be present in court without shackles, and further assert that appearing in court without shackles is necessary to maintain dignity and decorum in the judicial process.

I submit that the Court cannot institute a policy requiring defendants be shackled in every case. Instead, before I may be shackled for any courtroom proceeding, the Court must make an individualized decision on the record that a specific security need particular to me exists.

To order shackling, the Court must make an individualized determination finding that shackling serves a compelling government purpose and the particular shackling method is the least restrictive means for maintaining security and order in the courtroom. In making this determination, the Court should consider whether evidence exists demonstrating: a history of disruptive courtroom behavior; attempts to escape from custody; assaults or attempted assaults while in custody; or a pattern of defiant behavior towards corrections officials and judicial authorities.

Until the Court makes an individualized shackling determination on the record, I request to appear in court without shackles. The shackling determination must be made in my and my counsel's presence, allowing my counsel to object and create an evidentiary record.

This Assertion serves as a standing objection of my right to appear in court unshackled at all future appearances, without the need for me to reassert these rights or re-object to the shackling. This Assertion also preserves my right to appeal the Court's shackling decisions.

Frederick Brown
Defendant's Signature

Kathryn Newman
Attorney's Signature

8-14-19
Date and time

Kathryn Newman
Attorney Name, AFPD
411 E. Bonneville Ave., #250, Las Vegas, NV